

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Vanessa Niekamp,

Civil Action 2:18-cv-100

Plaintiff,

v.

Judge Graham

Magistrate Judge Vascura

**Ohio Board of Embalmers and
Funeral Directors,**

Defendant.

RULE 26(f) REPORT

Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held on May 7, 2018 and was attended by:

Emily White, counsel for plaintiff Vanessa Niekamp

Drew C. Piersall, counsel for defendant Ohio Board of Embalmers and Funeral Directors

Counsel represent that, during the meeting, they engaged in a meaningful attempt to meet and confer on the matters outlined below.

1. **CONSENT TO MAGISTRATE JUDGE**

Do the parties consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c)?

 Yes XX No

2. **INITIAL DISCLOSURES**

Have the parties agreed to make initial disclosures?

 Yes XX No The proceeding is exempt under Rule 26(a)(1)(B)

If yes, such initial disclosures shall be made by .

3. VENUE AND JURISDICTION

Are there any contested issues related to venue or jurisdiction?

☐ Yes ☒ No

If yes, describe the issue:

If yes, the parties agree that any motion related to venue or jurisdiction shall be filed by _____.

4. PARTIES AND PLEADINGS

- a. The parties agree that any motion or stipulation to amend the pleadings or to join additional parties shall be filed by July 2, 2018.
- b. If the case is a class action, the parties agree that the motion for class certification shall be filed by N/A.

5. MOTIONS

- a. Are there any pending motion(s)?

☐ Yes ☒ No

If yes, indicate which party filed the motion(s), and identify the motion(s) by name and docket number:

- b. Are the parties requesting expedited briefing on the pending motion(s)?

☐ Yes ☐ No

If yes, identify the proposed expedited schedule:

Opposition to be filed by _____; Reply brief to be filed by _____.

6. ISSUES

Jointly provide a brief description of case, including causes of action set forth in the complaint, and indicate whether there is a jury demand:

This is a sex discrimination and retaliation claim brought by the former Executive Director of the Ohio Board of Embalmers and Funeral Directors.

There is a jury demand.

7. DISCOVERY PROCEDURES

- a. The parties agree that all discovery shall be completed by December 21, 2018. The parties agree to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and to file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court.

- b. Do the parties anticipate the production of ESI? XX Yes ___ No

If yes, describe the protocol for such production: The parties agree that if disclosure of ESI in other than hard copy becomes necessary, the parties will produce that ESI in Adobe .pdf format.

The parties have agreed that any relevant ESI may be produced during discovery initially by printing out hard copies of any such information, subject to the normal schedule and rules of discovery and recognized privileges (e.g., attorney-client, attorney work product, etc.) under the Federal Rules of Civil Procedure. If either party requests that ESI be produced in electronic form after receiving hard copy printouts, the parties will confer and make every effort to agree about the procedure to be used to retrieve the electronic data, its format, and which party should bear the costs of that retrieval.

- c. Do the parties intend to seek a protective order or clawback agreement? Yes.

If yes, such order or agreement shall be produced to the Court by July 2, 2018.

8. DISPOSITIVE MOTIONS

- a. Any dispositive motions shall be filed by January 31, 2019.

- b. Are the parties requesting expedited briefing on dispositive motions?

___ Yes XX No

If yes, identify the proposed expedited schedule:

Opposition to be filed by _____; Reply brief to be filed by _____.

9. EXPERT TESTIMONY

- a. Primary expert reports must be produced by October 1, 2018.

- b. Rebuttal expert reports must be produced by November 1, 2018.

10. SETTLEMENT

Plaintiff(s) will make a settlement demand by July 2, 2018. Defendant will respond by August 1, 2018. The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference during this Court's settlement week. The parties request the following week:

March 20____; June 20____; September 20____; December 2018

In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the beginning of settlement week. The parties understand that they will be expected to comply fully with the settlement week orders which require, *inter alia*, that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

11. RULE 16 PRETRIAL CONFERENCE

Do the parties request a scheduling conference?

XX Yes, the parties would like a conference with the Court prior to it issuing a scheduling order. The parties request that the conference take place _____ in chambers XX by telephone.

____ No, a conference is not necessary; the Court may issue a scheduling order after considering this Report.

12. OTHER MATTERS

Indicate any other matters for the Court's consideration: None at this time.

Signatures:

Attorney for Plaintiff(s):

Emily White

Counsel for Plaintiff
Bar # 0085662

Attorney for Defendant(s):

Drew C. Piersall

Counsel for Defendant
Bar # 0078085

Date: May 8, 2018